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ABSTRACT

Changes made by new professional legislation governing the professions and their organization in Quebec are reviewed. Focus is on the protection of the public with respect to the distribution of professional services. This is done by (1) setting qualifying standards for candidates for the professions to guarantee high quality professional services, and (2) establishing appropriate delivery systems for these professional services. Highlights of the legislation include: status of professional corporation; adaptation of the fields of professional practice; self-management of the professional corporations and their social involvement; academic and professional training; professional inspection and discipline; and conditions respecting Canadian citizenship and the use of the French language for admission to professional corporations. Agencies implementing the new professional legislation are identified. (LBH)

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OFFICE DES PROFESSIONS DU QUÉBEC

reform of the professions in quebec

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Reform of the Professions in Québec

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In Québec, as elsewhere in Canada and in most Western countries, the concept of a "liberal profession" is undergoing far-reaching changes at the present time. An ever-increasing proportion of professionals find themselves committed to an employer-employee relationship and accordingly are deprived of the autonomy they traditionally enjoyed; from another viewpoint the consumer society demands that greater emphasis be given to the marketing of their services. Finally, because of the increasing degree of specialization in social roles and the prestige which is still attached to the very notion of a profession, new professions are continually being created; this in turn shatters the traditional bounds of the concept. Thus it is much more realistic today to understand the idea of a profession in the broader sense of occupation.

In 1966, the obvious inconsistency of legislation governing the professions in Québec with the new concept of a profession and the pressing demand to create new professional corporations led the Government to instruct the Commission of Inquiry on Health and Social Welfare to examine the whole question of professional organization in Québec in these two areas. In its report, published in the summer of 1970, the Commission recommended, after a study of the very bases of the idea of professionalism, a reform of the professional organization which in its opinion should not be restricted to the professions in the field

of health and social services but should be applicable to all professions in Québec.[1]

In the fall of 1971, the Government did in fact decide to apply the recommendations of the Commission of Inquiry on Health and Social Welfare to every profession, and tabled in the Québec National Assembly a series of legislative measures consisting primarily of a bill of a general scope, entitled the Professional Code,[2] and twenty-three bills of a more particular nature. As soon as they were tabled for first reading, these bills were referred to an ad hoc standing committee charged with studying them and hearing the representations of every organization, group or person concerned or interested in the question. Meeting at least once a week, this Committee was to hear at least 150 briefs over a period of more than a year.

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(1) The Professions and Society, Québec Official Publisher, Québec, 1970. It is of interest at this point to note the parallel with what occured in Ontario where the Committee on the Healing Arts, set up at about the same time as the Québec Commission of Inquiry, examined all the problems pertaining to the health professions. Pursuant to the report of this committee, published on April 28, 1970, in the summer of 1972 the Ontario Government made public its Legislative Proposals for Health Disciplines Act, Ontario, Ministry of Health, 1972, and in April 1974 presented to the Ontario Legislature a bill entitled the Health Disciplines Act. See also the Report on Professions and Occupations, April 1973, and the Report II on Professions and Occupations, December 1973, both submitted by the Select Committee of the Legislative Assembly on Professions and Occupations of the Province of Alberta.

(2) S.Q. 1973, Chap. 43.

In the fall of 1972, after this series of hearings before the standing committee, the government tabled in the Québec National Assembly a modified version of the group of bills on the professions. They were assented to on July 6, 1973, and came into force on February 1, 1974, by proclamation of the Lieutenant-Governor in Council.

As may be realized, the reform of professional organisation in Québec constitutes the final outcome of a long series of studies, inquiries and discussions, spread over almost ten years. To grasp the scope of all this new legislation properly, it would be advisable first to examine the main points, then to introduce the agencies which are to ensure its implementation.

I - Highlights of the new professional legislation

Until the present time, Québec law on professions had developed more or less in a random fashion by special statutes enacted to create a new professional corporation or by amending an act. The Professional Code completely reorganizes the law; Québec legislators recognizing new principles of organization and management of professions, had as their intent to adapt the legal system governing the professional sector to the main trends in contemporary society. Among the outstanding points of the Professional Code, it is particularly worthwhile mentioning those

which demonstrate new solutions to the difficulties or ambiguities arising from (A) a definition of the status of professional corporations, (B) a necessity for continual adaptation of professional practice to the needs of time and place, (C) reconciliation of management methods of corporations and their social role, (D) coordination of academic and professional training of professionals, (E) distinction between the concepts of professional inspection and discipline, (F) admission of foreigners and Canadians to professional corporations. These points will be examined one by one.

A. STATUS OF PROFESSIONAL CORPORATIONS

The new professional legislation clearly demonstrates the confidence felt by the lawmaker in the system of the professional corporation as the instrument for management of the professions and for the protection of the public,[3] and strongly upholds the principle of self-management of the professions. However, this legislation contributes two important changes: on the

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(3) In Ontario, the Legislative Proposals for Health Disciplines Act, supra, note 1, advocates for the health disciplines a professional organization system in which the degree of autonomy and self-management is not uniform; the largest corporations with well-established and long-standing organizations would continue to manage themselves and regulate themselves, under the supervision, however, of the Health Disciplines Regulation Board, whereas the younger, less well-structured corporations would be constituted as divisions of the Health Disciplines Regulation Board and would be much more directly controlled by the Board.

one hand it provides for public representation within the professional organizations, and on the other, the creation of l'Office des professions du Québec, a supervisory body whose primary function is to ensure that the professional corporations perform their duties properly. Other types of systems could no doubt have been adopted, such as that of the State Board, for example.[4] However, the professional corporation formula which enables professionals to largely manage themselves appeared preferable in fields where the uninitiated would have difficulty in appreciating the quality of the services received and, accordingly, the competence of those administering them.

The Professional Code has defined the status of the Professional Corporations more specifically: (1) it describes in detail their role in the community, (2) it determines the criteria and conditions for the formation of new corporations and finally (3) distinguishes between professions granted exclusive right to practice and those with reserve of title.

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(4) In this connection, see C.A. SHEPPARD, L'organisation et la réglementation des professions de la santé et du bien-être au Québec, Appendix 12 of the Report of the Commission of Inquiry on Health and Social Welfare in Québec, pp. 1060-3, 1161-3, 1553-6, for a brief description of the system of professional organization by Boards in the State of New York, the State of California and Sweden.

1. The Role of Professional Corporations

The Professional Code is particularly explicit on this matter. Section 23 establishes that "The principal function of each corporation shall be to ensure the protection of the public," and section 12 entrusts l'Office des professions du Québec with the task of seeing that each corporation assumes this primary function. These provisions, as well as the general spiri of the Professional Code and the series of related acts leave no doubt as to the manner in which the corporations must exercise the powers granted them by the law.

Specifically, it follows that the professional corporation can no longer play the dual role of protecting the public and safeguarding the economic and social interests of its members. This twofold duty was no doubt acceptable at a time when, because professional practice was a purely individual matter, the question of the socio-economic interests of a group of professionals scarcely arose. However, today, when situations where conflicts of interest of a group of professionals are proliferating resulting in frequent rounds of negotiations, a clear dissociation of the functions of protecting the public and protecting the members of the profession is indispensable.

If the State makes membership in a professional corporation compulsory and permits this body to regulate and control a

profession, it has been done primarily for the purpose of protecting the public. Any corporation, armed with such extensive powers, which expects to play the role of a union in making economic and social claims for its members, would find itself in a situation of conflict of interest. In Québec, the phenomenon of professional unionism — which has developed particularly among doctors, as their services have become socialized,[5] and among engineers, many of whom now find themselves in an employer-employee relationship — should accordingly continue to become more pronounced. This has been observed specifically among lawyers as a result of measures such as legal aid.[6]

2. The Constitution of New Professional Corporations

At the time of the discussions regarding the introduction of the Professional Code and the related acts, certain professional associations, specifically in the health field, were demanding legal recognition, and in some cases had been doing so for several years. Thus the adoption of the series of acts enabled the legislature to constitute nine new professional corporations.[7]

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(5) Health Insurance Act, S.Q., 1970, Chap. 37.

(6) Legal Aid Act, S.Q., 1972, Chap. 14.

(7) Thus, occupational therapists, dental hygienists, nursing assistants, physiotherapists and medical technologists were incorporated with reserve of title, and hearing-aid acousticians, chiropractors, denturologists and podiatrists were incorporated with exclusive right to practice.

It is expected that in the future more groups, not only those who were not granted incorporation but also those now in the organizational stage, will be interested in presenting an application for incorporation. Therefore, for the first time in Québec if not in Canada, the legislators have defined the criteria on which the Government, acting on the recommendations of l'Office des professions and the Interprofessional Council, will base its decision to incorporate a group of persons into a professional corporation. In addition to the protection of the public, which takes precedence over any other concern these criteria, as set forth in Section 25 of the Professional Code, are as follows:

— the level of knowledge required of potential members of the future corporation in order to practice their profession;

— the degree of autonomy of these persons in their work;

— the difficulty which persons not having the same training and qualifications would have in assessing the quality of this work;

— the trust which the public must place in these persons, particularly because such persons provide them with care or administer their property;

— the personal nature of the relationships between such persons and those having recourse to their services, and the confidential nature of their communications;

— the gravity of the prejudice or damage which might be sustained by the public through lack of adequate supervision of the integrity or competence of these persons.

Although by no means exhaustive, the preceding criteria considered as a whole are indicative of the spirit in which the incorporation of new groups into professional corporations must be considered. The fact remains, however, that, in spite of their remarkable perciseness, these criteria cannot escape subjective appreciation and do not take into account all the factors which could be considered. The decision as to whether to grant or refuse professional incorporation remains therefore to a considerable extent discretionary. Nevertheless, it can be asserted that at least a level of objectivity has been introduced into a sector where previously the political strength of the group in question was the determining factor.

3. Professions with exclusive right to practice and Professions with Reserve of Title

Once a group of persons has been able to demonstrate the need to be incorporated as a profession, the Professional Code provides for its possible incorporation as a profession with exclusive right to practice or as a profession with a reserve of title. In the first case, the incorporation, which is effected by the National Assembly through the enactment of a special statute

grants members of that corporation the dual monopoly over the practice of their professional service and the use of the title attached to it; in the second case, it reserves only the exclusive right to the professional title and, this is done by the Lieutenant-Governor in Council through letters patent under section 27 of the Professional Code. Of the thirty-eight corporations now recognized by the Professional Code, seventeen have reserve of title and twenty-one have been granted exclusive right to practice;[8] each of the latter is incorporated by a special act adopted at the same time as the Professional Code.

Before the Professional Code came into force, professional corporations were usually created by an act sponsored by a member of parliament,[9] assent to which often gave rise to a contest of strength between the government and the persons or groups affected by the incorporation; in these special acts, through a lack, unfortunately, of any suitable model, the lawmakers defined the overall structures for the functionning of the

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(8) Of the twenty-three bills to incorporate professions for exclusive right of practice tabled for first reading in the National Assembly, only two were not adopted, those concerning speech therapists and audiologists, and physiotherapists; these were granted reserve of title by the Professional Code. For a complete list of exclusive professions and those with reserve of titles recognized by the Professional Code, see Schedule I.

(9) On this subject see C.A. SHEPPARD, op. cit., note 4, t. 1, pp. 196-208.

corporation and the activities of its members. Today, professional corporations are formed on the initiative of the government, either by letters patent or by an act,[10] and all are governed by the Professional Code, to varying degrees; professions with reserve of title, the seventeen already recognized by the Professional Code and any which may be recognized by letters patent, are governed wholly by the Professional Code; professions with exclusive right of practice, on the other hand, are so governed to the extent that the Code is not incompatible with the more particular provisions of the statutes under which they are incorporated.

The criterion for determining cases where incorporation implies granting a field of exclusive practice rather than merely attributing a reserve of title is defined as follows in section 26 of the Professional Code.

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(10) In principle, it is still possible for a member of parliament to introduce and try to have a bill passed to create an exclusive profession; it can however be assumed that such an undertaking would not have the support of the Executive Council, especially if we recall that the draft of the Professional Code (Twenty-Ninth Legislature, Third Session, 1972) contained a provision - section 25, which was eliminated during the section-by-section study in committee - in which the lawmakers had clearly shown their intention to reserve the right to introduce such bills for the Executive Council:

> No bill to incorporate a professional corporation or to amend an act to incorporate such a corporation may be presented to the National Assembly except by a member of the Executive Council.

This provision, undoubtedly removed because in good constitutional theory it could not have any force against a possible determination to the contrary by the National Assembly, was, however, indicative of the government's intention.

> The members of a corporation shall not be granted the exclusive right to practise a profession except by an act, that right must not be granted except in cases where the acts done by these persons are of such a nature and the freedom to act they have by reason of their ordinary working conditions are such that for the protection of the public they cannot be done by persons not having the training and qualifications required to be members of the corporation.

It is obvious that the determining factor for incorporation with exclusive right to practice is not the level of training required to practice a given profession; if, for instance, all the professional corporations in the health field are examined, it is obvious that among professions requiring approximately the same level of training, not all have been granted an exclusive right to practice.

The basic criterion, of an entirely different nature, is rather that of the environment in which the profession is usually practiced. As explained in committee by the former Minister of Social Affairs of Québec, Claude Castonguay a reserve of title is sufficient to ensure the protection of the public in the case of professionals who work almost exclusively in an organized situation, with supervisory methods set up within this environment, with recruitment procedures, with the establishment of standards

and certification by organizations, etc.[11] On the other hand, when for a particular professional activity, the relations with the public are of a strictly personal nature and no third party is called upon to testify to the quality of the services offered, when, in short, the professional enjoys a great deal of independence in his practice, it may become important to close this field of professional activity — to the extent, of course, that it is possible to define it and circumscribe it with sufficient preciseness — in order to reserve it for the members of the corporation exclusively and to entrust the corporation with the control of the quality of the services rendered.

Incorporation of a group of persons as an exclusive profession must, however, be restricted only to those cases where the protection of the public absolutely requires that the services rendered by the members of this group be exclusive. If carried to excess, there is a risk that delimitation of exclusive fields of practice will segregate related sectors between which close collaboration is necessary. Moreover, such a situation engenders frequent conflicts between professionals, impedes the technical progress of these professions and is certainly not conducive to the satisfactory distribution of services to the public. Therefore, wherever possible, l'Office des professions will recommend

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(11) Journal of Debates, Standing Committee on Professional Corporations, June 7, 1973, no. 78, p. B-2791.

to the Government that a reserve of title be granted rather than an exclusive right to practice. Granting of a reserve of title, while keeping the field of activity concerned open to all, constitutes for the public, the individual or the legal entity, an assumption that the holders of the title have had sufficient training, that they are required to observe a code of ethics and are subject to regular professional inspection.

B. ADAPTATION OF THE FIELDS OF PROFESSIONAL PRACTICE

In cases where the protection of the public genuinely requires that the members of a given group be incorporated as a profession with exclusive right of practice, the whole of the legislation on the professions nevertheless provides for a means of adjusting the definition of fields of practice to the needs for a reasonable distribution of professional services. Thus, several of these statutes[12] contain a provision authorizing the Bureau of a Professional Corporation to adopt a regulation determining, among the services exclusively reserved for its members, those which, according to certain prescribed conditions, can advantageously be rendered by classes of persons other than the

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(12) Medical Act, S.Q. 1973, Chap. 46, Sec. 19(b); Nurses Act, S.Q. 1973, Chap. 48, Sec. 12(a); Dental Act, S.Q. 1973, Chap. 49, Sec. 19(a); Pharmacy Act, S.Q. 1973, Chap. 51, Sec. 10(a); Optometry Act, S.Q. 1973, Chap. 52, Sec. 10(a); An Act to amend the Professional Chemists Act, S.Q. 1973, Chap. 63, Sec. 6; Podiatry Act, S.Q. 1973, Chap. 55, Sec. 6(b)

said members. This regulation must be passed within a time limit set by l'Office des professions, following consultation with l'Office and the corporation or association representing the persons to whom this competence is to be delegated. If the corporation neglects to pass this regulation or if an agreement with the persons concerned in such delegation of tasks is impossible within the prescribed delay, l'Office has the power to establish the regula ion in question itself.

This procedure is meant to eliminate one of the major impediments to improved distribution of professional services by making fields of practice more flexible; it attempts to reconcile the necessity of closing certain fields of activity for the protection of the public, within the imperatives of the development of the professions. Thus, to cite one example, the delegation clause in the Medical Act[13] should make it possible to regularize the situation in which nurses, for may years now, have been called upon to administer certain types of care which by law are restricted to doctors; this is particularly true in hospitals. It is to be anticipated that this procedure for adapting fields of professional practice, while averting a proliferation of illegal practice, will have a final result conducive to continual adaptation in the distribution of professional services according to the needs of the times and the place.

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(13) Ibid.

C. SELF-MANAGEMENT OF THE PROFESSIONAL CORPORATIONS AND SOCIAL INVOLVEMENT: EXTERNAL MEMBERS

At various levels in the administrative organization of each professional corporation, the Professional Code provides for participation by persons who are not members of that corporation and whose general responsibility is to represent the interests of the public.

Within the Bureau of each corporation, this participation is ensured by two, three or four directors depending on whether the corporation has less than 500 members, between 500 and 1,500 members or more than 1,500 members.[14] These external directors, half of whom must not belong to any professional corporation, are appointed by l'Office des professions after consultation with the Interprofessional Council and various socio-economic groups. These directors represent the public, not the government or l'Office des professions; once appointed to the Bureau of a corporation, they are full members and have no special status: they "shall receive the same remuneration, perform the same duties, have the same powers and be subject to the same obligations as" the elected directors.[15] They must therefore exercise

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(14) Supra, note 2, Sec. 77.

(15) Ibid, Sec. 77, paragraph 4.

their role of representing the public within the corporation, using the same means of expression as the other directors. The presence of this outside element is intended as a means of making possible public participation in the decisions made on the professional organization level, since they frequently involve not only the professionals themselves, but also and in particular, at least part if not the whole of the community.

On the administrative committee, which is compulsory for corporations with more than 500 members, public representation is also guaranteed. The Professional Code does in fact require the Bureau of the Corporation to choose one of the five members of this committee from the external directors appointed by l'Office des professions du Québec.[16]

The presence and participation of external elements are also provided for in connection with the administration of discipline. The chairman of the committee on discipline of each of the professional corporations is appointed by the Lieutenant-Governor in Council, after consultation with the Bar, and must be a lawyer who has practiced at least ten years.[17] Although the lawmakers did not deem it necessary to appoint a magistrate, they

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(16) Ibid, Sec. 95. The only exception in this regard is in An Act to amend the Bar Act, S.Q. 1973, Chap. 44, Sec. 12.

(17) Ibid, Sec. 115.

wished to have these committees chaired by persons with extensive experience in judicial procedures since, like all courts, they would be called upon to decide on rights and obligations.

D. ACADEMIC AND PROFESSIONAL TRAINING

One of the major challenges encountered by the educational world in this decade is the problem of reconciling the imperatives of academic training and those of professional training, in other words, in establishing a balance between theory and practice. The Professional Code recommends the following measures to achieve this goal.

As far as diplomas obtained within Québec are concerned, the Lieutenant-Governor in Council recognizes those diplomas which make it possible for a person to obtain a licence to practice or a specialist certificate,[18] as well as the educational establishments qualified to grant these diplomas. Recognition of diplomas from establishments outside Québec is, in practice, the responsibility of the professional corporation involved. To ensure that the professional corporations grant licences to practice as far as possible on the basis of diplomas obtained, the Professional Code provides that the Lieutenant-Governor in Council will deter-

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(18) The Professional Code, ibid, Sec. 92(e) provides that the Bureau of a Professional Corporation may by regulation "define the different classes of specialization within the profession"; there must of course be various corresponding "specialist's certificates".

mine by regulation, after consultation with l'Office des professions, the Council of Universities, the educational establishments and the corporation concerned, the conditions of effective collaboration between the corporation and educational establishments in Québec in preparing curricula leading to a diploma which will entitle a student to a licence to practice, as well as in preparing examinations or other means for assessing those taking these courses.[19]

However, this type of cooperation cannot always produce results over a short period, and the Professional Code provides that the professional corporation may, even given the above conditions, set additional requirements — training periods or examinations — over and above the diplomas as conditions for obtaining a licence to practice. A regulation to this effect must be passed which, like all the regulations of the professional corporations, must be approved by the Lieutenant-Governor in Council.

E. PROFESSIONAL INSPECTION AND DISCIPLINE

Considering the speed at which knowledge becomes outdated today, it is inevitable that some professionals will be left behind by developments in their discipline. Although professional incompetence and violation of rules of ethics both

(19) Ibid, Sec. 178(b).

result in a deterioration of the quality of professional services, it does not follow that they should be judged on the same basis and penalized by an identical procedure; on the contrary, since they differ in origin and nature, each should receive specific treatment.

Therefore the Professional Code clearly differentiates the concept of professional inspection, concerned with the supervision of professional competence, and that of discipline, concerned with punishing conduct contrary to the professional code of ethics. Thus it is clearly established that professional inspection leads not to the imposition of penalties, but to constructive recommendations, such as refresher courses. In accordance with these views, the Professional Code has instituted two distinct statutory committees within each of the professional corporations: the professional inspection committee[20] and the committee on discipline.[21]

With regard to discipline, the Professional Code demonstrates primarily an attempt to make the rules of procedure and possible penalties more uniform and systematic, whereas, as far as professional inspection is concerned, it institutes a

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(20) Ibid, Sec. 107.

(21) Ibid, Sec. 114.

basic innovation by scrupulously defining this concept and by providing for the creation of a supervisory committee of members within each professional corporation. Because it leads to refresher courses or further training, professional inspection constitutes an intermediary measure between the granting a lifetime licence to practice without any possible means of further questioning the competence of the professional enjoying it, and the granting a licence to practice which must be renewed every three or five years.

F. CONDITIONS RESPECTING CANADIAN CITIZENSHIP AND THE USE OF THE FRENCH LANGUAGE FOR ADMISSION TO PROFESSIONAL CORPORATIONS

As a first step toward the establishment of a comprehensive policy respecting the status of foreigners and the use of French among professionals, the Québec National Assembly, in 1970, introduced into the Professional Matriculation Act[22] provisions intended to facilitate entry of persons not having Canadian Citizenship into certain professional corporations provided that these persons have, as well as the required competence, a working

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(22) R.S.Q. 1964, Chap. 246, amended by An Act to amend the Professional Matriculation Act and other legislation, S.Q. 1970, Chap. 57, which gave it a new French title, Loi de l'admission à l'étude et à l'exercice de professions. This Act was repealed by the Professional Code, supra, note 2, Sec. 194.

knowledge of the French Language. The Professional Code completes the process begun in 1970 and shows still more clearly the desire of the lawmakers to facilitate access to the professional corporations for foreigners and to establish French as the working language of all professionals practicing in Québec. It will therefore be wise to examine this part of the Professional Code which sets the new general conditions for the eligibility of foreigners and Canadian citizens to professional corporations.[23]

1. Eligibility of non-Canadians for membership in the Professional Corporations

Among all the professionals from other countries who immigrate to Canada with the intention of practicing in Québec, only lawyers, notaries and land surveyors cannot be admitted to permanent practice of their profession before obtaining Canadian citizenship.[24] In effect, the persons practicing any one of these

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(23) A few of the special acts incorporating exclusive professions authorize the issue of restricted permits to persons who do not fulfil the conditions for a general permit; such restricted permits allow professional activities limited to certain services, to a certain length of time or both. Generally, these permits may be issued to any professional deemed competent by the Bureau of the corporation in question, to foreigners as well as to Canadians who are not French-speaking. As a result, they are exceptions to the provisions of the Professional Code which determine the general conditions for admission of these persons to the professional corporations of Québec. As an example, see the Medical Act, supra, note 12, Sec. 33, and the Dental Act, ibid, Sec. 31.

(24) Professional Code, supra, note 2, Sec. 44.

professions are public officers[25] and in this capacity, are called upon to play a role in sectors which are strictly "national", that is, respectively, the administration of justice, the keeping of registers of civil status and the drawing up of official documents respecting public registration of land, boundaries and subdivisions.

Other foreign professionals can become members of the professional corporation of interest to them, provided they have the competence required, if they fulfil each of the following four conditions:

— have been legally admitted to Canada as permanent residents,

— undertake to request Canadian citizenship as soon as possible under the Canadian Citizenship Act,[26]

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(25) See the Bar Act, S.Q. 1966-1967, Chap. 77, Sec. 2; Notarial Act, S.Q. 1968, Chap. 70, Sec. 2; Land Surveyors Act, S.Q. 1973, Chap. 61, Sec. 34, where, more or less explicitly, these professionals are designated public officers. See also the Public Officers Act, R.S.Q. 1964, Chap. 12, Sec. 9, amended by Section 14 of the Civil Service Department Act, S.Q. 1969, Chap. 14, in which the lawmaker imposes the oath or affirmation of allegiance and office on these three groups of professionals:

> Every person appointed to any office, function or employment, every mayor, every member or officer of any public corporation, and every person admitted to practise as a land surveyor, advocate or notary shall make and subscribe the oath or declaration of allegiance and office.

(26) R.S.C. 1970, Chap. C-19.

— be domiciled in Québec,[27] and

— have a working knowledge of the French language deemed adequate in accordance with the standards established for that purpose by the Lieutenant-Governor in Council.[28]

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(27) These first three conditions are imposed by Section 44 of the Professional Code, supra, note 2; the lawmakers have substituted these three conditions for that of Canadian citizenship so that the foreign professional immigrating to Québec may practice his profession as soon as he arrives in the country, without having to wait for the five years required for citizenship. It should be stressed that Section 45 of the Professional Code authorizes a professional corporation to suspend one of its members admitted under these three conditions if he neglects to request Canadian citizenship as soon as he can under the Canadian Citizenship Act; such a suspension can last as long as the person has not acquired Canadian citizenship. This power of the professional corporation must however be exercised subject to the transitional provisions of Section 196 of the Professional Code:

> A person admitted to membership in a corporation before section 44 becomes applicable to the corporation, or admitted to the study or practice of a profession governed by such a corporation until that time, shall not be suspended from membership in the corporation or from practice of the profession under section 45.
>
> This section shall not apply however to a person admitted to membership in a corporation after section 4 of the Professional Matriculation Act (Revised Statutes, 1964, chapter 246), as enacted by section 2 of chapter 57 of the statutes of 1970, became applicable to the corporation, or admitted to the study or practice of a profession governed by such a corporation after that time.

(28) Ibid, Sec. 46; according to the second paragraph of this section, the draft regulation determining the standards for knowledge of the French language must be published in the Québec Official Gazette, sixty days before it is adopted by the Lieutenant-Governor in Council.

A foreign professional who does not fulfil all four conditions may obtain either a special authorization for three months if he is legally authorized to practice outside of Québec for the profession he wishes to practice inside the province, which in the case of professions with exclusive right of practice, the authorization must indicate for whom the holder is allowed to practice,[29] or he may obtain a temporary permit for one year, issued and renewable by the Bureau of the corporation involved, on the conditions determined by it;[30] however, with regard to persons who do not have a working knowledge of the French language, a temporary permit cannot be renewed except with the "approval of the Lieutenant-Governor in Council, when the public interest requires it."[31] These two mechanisms may

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(29) Ibid, Sections 33 and 39; the special authorization is granted by the president of the corporation involved and cannot be renewed except by the Bureau of the corporation.

(30) Ibid, Sec. 41.

(31) Ibid, Sec. 47; it should be stressed that the Medical Act, supra, note 12, Sec. 32, and the Dental Act, ibid, Sec. 30, authorize the Bureaus of each of these corporations to issue a temporary permit to a foreigner who has been engaged as a professor in the field of health in a Québec university whether or not he is legally qualified to practice his profession outside Québec or fulfils the four conditions listed previously; this permit cannot be issued for more than one year, except with the approval of the Lieutenant-Governor in Council, when the public interest requires it. Similarly, Section 12 of the Architects Act, S.Q. 1973, Chap. 59, grants the Bureau of this corporation the power to "issue, on the conditions it determines, a temporary permit to any person engaged as a professor in a school of architecture of the province of Québec recognized by the Lieutenant-Governor in Council. Such permit is valid for the period of the engagement of such person as professor."

also allow a lawyer, a notary or a land surveyor to practice his profession temporarily in Québec even when he is not a Canadian citizen.

2. Eligibility of Canadians for membership in the Professional Corporations

The Professional Code provides that after July 1, 1976, a Canadian citizen "who does not have a working knowledge of the French language determined in accordance with the standards established for that purpose by the Lieutenant-Governor in Council",[32] may not become a member of a professional corporation in Québec. This obligation to know French does therefore not apply to those who are already members of a Québec professional corporation, nor to those who become members before July 1, 1976.

After that date, however, Canadians who fail the examination in the use of French must give up the prospect of being permanently admitted to professional corporations in Québec — unless of course they pass the examination at a later date. However, the Professional Code offers two concessions to this rule for persons who are legally authorized to practice a profession in a province other than Québec and want to practice in Québec: in addition to the special authorization of three months

(32) Ibid, Sections 46 and 197.

and temporary permit for one year which they may obtain on the same conditions as foreigners who do not have a working knowledge of the French language,[33] they will be entitled to a restrictive permit which authorizes "its holder to practice his profession exclusively for one employer in a position that would not entail any dealing with the public".[34] This type of permit, while protecting the public, will enable Canadian specialists or consultants to practice their professions in Québec occasionally and for a fairly long period without having to ask each time for special permission or a temporary permit.

This general view of the conditions for eligibility of foreigners and Canadians who are not French-speaking to membership in professional corporations in Québec shows clearly that the study of French as a working language must in the future constitute a basic concern for any person considering a professional career in Québec.[35] It would be illusory to attempt to

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(33) Ibid, Sections 33, 39, 41 and 47; see supra, notes 28, 29 and 30 and the corresponding text.

(34) Ibid, Sec. 48.

(35) Particularly since Section 50 of the Professional Code eliminates any possibility of introducing a private interest bill intended to admit a person to the practice of a profession:

> The Québec Official Publisher shall not publish a notice in the Québec Official Gazette that a bill will be presented to the National Assembly to authorize a person to be admitted to the practice of a profession contemplated by this Code and the Secretary of the National Assembly shall not receive such a bill or have it printed

get around the requirement regarding the use of French by using the exceptions — special authorization, temporary permit and restrictive permit — which have been provided for by the lawmakers, since they allow only restricted professional activity, limited to a short period of time, a specific clientele or both.[36]

II - Agencies involves in implementing the new professional legislation

Before the Professional Code was adopted, the acts incorporating the professions entrusted these professional corporations almost exclusively with the responsibility for regulating the practice of their professions; within the scope of their regulatory, quasi-judicial and administrative powers, these corporations enjoyed considerable autonomy, the only real limitation being the requirement of having certain regulations approved by the Lieutenant-Governor in Council. The new principles of professional organization and management set forth in the Professional Code — principles of which the creation of l'Office des professions du Québec is one of the most significant manifestations — have led to a new distribution of the powers governing the whole of professional activity in Québec. To grasp

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(36) It should be recalled that the special authorization for three months, when granted with respect to an exclusive profession, must mention on whose behalf the holder is authorized to practice: see supra, note 28.

the essential features of the new type of professional organization[37] provided for in the Professional Code, it will be necessary to study the duties and the powers of the professional corporations, of l'Office des professions du Québec and of the Lieutenant-Governor in Council respectively.

A. THE PROFESSIONAL CORPORATIONS

The professional corporation is a legal entity distinct from the professionals who are its members. In addition to the powers generally recognized by the Civil Code as belonging to any corporation,[38] it has at its disposal those specifically granted by the Professional Code, and in the case of a profession with exclusive right to practice, by an act incorporating it.[39] It is not necessary to describe each of these acts of incorporation in detail, but it would be advisable to examine the general powers conferred on professional corporations, studying in suc

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(37) As explained by the Commission of Inquiry on Health and Social Welfare, Part Five, Volume VII, The Professions and Society, supra, note 1, p. 18, "By 'professional organization' should be understood the overall legal structures established to institutionalize and administer the professions. Professional organization is thus an administrative system formed by the totality of bodies of professional character juridically constituted in a society to assume within it social and public functions relating to the professions (...)."

(38) Civil Code, Articles 357-363.

(39) Professional Code, supra, note 2, Sec. 28.

cession those exercised respectively by the Bureau and its administrative committee, by each of the statutory committees — the professional inspection committee and the committee on discipline — and by the general meetings of the corporation members.

1. The Bureau and its administrative committee

The Bureau consists of the president[40] of the corporation and, depending on whether there are less than 500 members, between 500 and 1500 members, or more than 1500 members,[41] of

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(40) The president is elected by secret ballot, either by the elected directors from among their number (the second paragraph of Section 63 of the Professional Code, ibid, then provides that notwithstanding that the number of directors is reduced by one, the Bureau is "deemed regularly constituted"), or by a general vote of the members of the corporation entered on the roll, depending on the decision of the general meeting: see ibid, Section 63. Under Section 6 of An Act to amend the Bar Act, supra, note 16, and the Agrologists Act, S.Q. 1973, Chap. 58, the presidents of these two corporations must be elected by a general vote, whereas under Section 9 of the Land Surveyors Act, supra, note 25, and Section 36 of An Act to amend the Norarial Act, S.Q. 1973, Chap. 45, the presidents of these two corporations must be elected by the elected members of the Bureau.

According to Section 79 of the Professional Code, the president is vested with a general power of supervision over the affairs of the corporation; his principal duties consist in presiding over the deliberations of the Bureau, the Administrative Committee and the General Meeting, coordinating the activities of each of these bodies and ensuring the implementation of their decisions.

(41) Ibid, Sec. 60. Some special acts provide for a number of directors greater than twenty-four, so as to maintain situations which existed before the Professional Code came into force; see for instance, An Act to Amend the Bar Act, supra, note 16, Sec. 4; Medical Act, supra, note 12, Sec. 6; An Act to amend the Notarial Act, supra, note 40, Sec. 26.

eight, sixteen or twenty-four directors, of whom two, three and four respectively are appointed by l'Office des professions du Québec as representatives of the public.[42] The other directors are elected, each in a given electoral region, by the members of the corporation who are practicing there;[43] the demarcation of these regions and their respective representation within the Bureau, are established, for each professional corporation,[44] by the Lieutenant-Governor in Council, after consultation with the corporation concerned, l'Office des professions and the Interprofessional Council.[45] Within the scope of this process of consultation, the Government, through l'Office des professions,

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(42) Ibid, Sec. 77; see supra, note 14 and the corresponding text.

(43) Ibid, Sec. 68(a).

(44) Of course the Government does not have to define electoral regions for corporations whose acts provide for "electoral districts", see An Act to amend the Notarial Act, supra, note 40, Sec. 26, or for "section corporations", see the Bar Act, supra, note 25, Sec. 4, the Agrologists Act, supra, note 40, Sec. 11 and the Nurses Act, supra, note 12, Sec. 21. In the case of advocates and notaries, the demarcation of sections or electoral districts, as the case may be, is determined by the act; for agrologists and nurses, on the other hand, it is set by the Bureau of each of these corporations, which for this purpose uses the administrative regions of Québec as basic geographic units.

(45) Professional Code, supra, note 2, Sec. 64; the last paragraph of this section provides that "if the number of members of a corporation is not sufficient to justify dividing the territory of the province of Québec into regions, the Lieutenant-Governor in Council may order that all of such territory shall constitute a single region."

suggests to the professional corporations, electoral regions whose boundaries would coincide with those of the administrative regions of Québec, established by the Order in Council of March 29, 1966 respecting the administrative division of the territory of the Province:[46] the use of basic geographic units identical for all the professions will facilitate a review of comparative statistics essential to the development of socio-economic research in the area of the professions.

The general duties of the Bureau are to administer the affairs of the corporation and to see to the application of the statutes and regulations governing it. It is the corporation's principal channel of communication and decision-making: in addition to the many powers specifically conferred on it, it enjoys those granted generally to the corporation by the act.[47]

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(46) O.C. No. 524, amended by an Order in Council with the same title, No. 3472, of September 17, 1970. In this connection see the recent Regulation delimiting the territory of the province of Québec into regions for the purposes of Section 64 of the Professional Code, (O.C. 706-74, February 20, 1974) Québec Official Gazette, Part 2, 106th year, 1974, No. 5, pp. 653-668. Depending on the geographic distribution of the members of a professional corporation throughout Québec, an electoral region of this corporation may include several administrative regions, or conversely, one of the latter may be divided to form two or more electoral regions. For instance see the order in council Concerning the delimitation of the territorial regions of the province of Québec and the mode of representation of each such region on the Bureau of the Order of Architects of Québec, (O.C. 707-74, February 20, 1974) Québec Official Gazette, Part 2, 106th year, 1974, No. 5, pp. 669-670; and that Concerning the delimitation of the territorial regions of the province of Québec and the mode of representation of each such region on the Bureau of the Professional Corporation of Optometrists of Québec, (O.C. 716-74, February 20, 1974) ibid, pp. 691-693.

(47) Ibid, Sec. 61.

While assuming, by resolution,[48] the internal organization of the corporation, namely with regard to the hiring of personnel, the formation of committees, the publication of reviews or periodicals, the organization of continuing education or refresher courses and the determination of the annual dues,[49] it is entrusted with the primary responsibility of controlling admission to the profession and regulating its practice.

(a) The Control of admission: The Bureau issues the permit[50] which makes its holder a member of the corporation. The essential condition for the issuing of this permit is the possession of a Québec diploma "recognized" by the Lieutenant-Governor in Council or a foreign diploma judged equivalent by the Bureau

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(48) See Sections 84 and 92(a).

(49) Ibid, Sec. 84(b), (c), (e), (j) and (k) it is subject, with regard to fixing the amount of the annual assessment, to the approval in certain cases of the majority of members of the corporation who come to a decision on the subject.

(50) Defined as follows in Section 1(f) of the Professional Code, ibid:

> "permit": a permit issued under this Code which allows the exclusive practice of the profession mentioned therein and the use of a title reserved to the professionals practising such profession or only allows the use of a title reserved to the members of the corporation issuing the permit, subject to entry of the holder of such permit on the roll of that corporation;

It should also be stressed that under Sections 41, 47 and 48, temporary and restrictive permits are likewise issued by the Bureau.

of the corporation concerned.[51] The Bureau may impose additional conditions — professional training periods, entrance examinations — which are, however, subject to the approval of the Lieutenant-Governor in Council.[52]

(b) Regulation of practice: When a group of persons incorporated as a professional corporation has been granted exclusive right to practice or merely the use of the relevant title, it is also entrusted with the obligation to exercise a strict control over this profession. For this purpose the Bureau of the corporation exercises an important regulatory power.

Certain regulations, involving points of public interest, must be established by the corporation within a time limit set by l'Office des professions du Québec. These regulations are concerned with:

— the code of ethics;
— a procedure for the arbitration of professional accounts disputed by debtors;
— an indemnity fund to be used to repay money or other securities used by a professional for purposes other than those for which they had been given to him;

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(51) Ibid, Sec. 42; see also Sections 84(g), 92(f) and 178(a). It should be mentioned that the Lieutenant-Governor in Council also has the power to recognize foreign diplomas, under Section 178(a) of the Professional Code.

(52) Ibid, Sections 92(i) and 93.

— professional inspection committee procedures;

— the rules for the preservation, use or destruction of the records, books and registers of a professional after he has ceased to practice;

— the type of advertising permitted;

— the quorum for general meetings of the members of a corporation.[53]

If, within the time limit, the regulations concerned with any of these points have not been adopted, l'Office des professions du Québec may, on its own initiative, decree those which are required for the protection of the public.[54]

On the other hand, the adoption of other types of regulations, deemed less important for the protection of the public, is left to the discretion of the Bureau of the professional corporation[55] and is not subject to the same control by l'Office des professions du Québec. In particular, such regulations are concerned with candidates for the profession — for instance, imposing additional requirements respecting the issue

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(53) Ibid, Sections 85 to 91; according to the last paragraph of Section 93, "a regulation may be made under Section 85, 86 or 87 only if the secretary of the corporation has sent the draft of it to every member of the corporation at least thirty days before its making by the Bureau."

(54) Ibid, Sec. 12(b), (d), (f), (h), (j), (l) and (n).

(55) Ibid, Sec. 92.

of a licence to practice[56] — or with the members of the corporation — determining for example the circumstances in which they may be obliged to enroll for an advanced training period, during which their right to practice may be subject to certain restrictions.[57]

All the regulations made by the Bureau of a professional corporation, whether or not they are subject to the substitution power of l'Office des professions du Québec, must be published in the Québec Official Gazette at least thirty days before they are approved by the Lieutenant-Governor in Council.[58] Once approved, every regulation "shall come into force on the day of the publication in the Québec Official Gazette of a notice that it has received such approval, or if it has been amended upon such approval," on the day of the publication of its amended

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(56) Ibid, Sec. 92 (i); see supra, note 52 and the corresponding text.

(57) Ibid, Sec. 92 (j); within the scope of these regulations, it is generally the Bureau, in accordance with a recommendation from the professional inspection committee, which decides to impose a further training period and to restrict the right to practice of the professional concerned: see Sections 54, 111 and 156. A special procedure is provided for the Professional Corporation of Advocates, see infra, note 70.

(58) Ibid, Sec. 93, paragraph 1.

version.[59]

For professional corporations with Bureaus having sixteen directors or more,[60] the Professional Code provides for the formation of an administrative committee consisting of the president of the corporation, three of the elected directors appointed by all these directors and one of the external directors chosen by all the members of the Bureau.[61] For other professional corporations, the formation of this committee is optional.[62] The administrative committee "shall see to the day to day administration of the corporation's affairs and may exercise all the powers delegated to it by the Bureau, except those which the latter must exercise by regulation."[63] To the extent

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(59) Ibid, Sec. 93, paragraph 2. The regulations of the professional corporations which were in force by law at the time the Professional Code came into force remain applicable for a period of twelve months, that is until February 1, 1975, as long as they are not incompatible with the provisions of this act; the Lieutenant-Governor in Council may however allow them to continue in force beyond this period. This transitional measure is provided for in Section 262, ibid, for the professional corporations with reserve of title, and in their special acts, for professional corporations with the exclusive right to practice.

(60) Ibid, Sec. 94.

(61) Ibid, Sec. 95, paragraph 1; only the administrative committee of the Bar includes no outside director appointed by l'Office des professions, see supra, note 16.

(62) Ibid, Sec. 94, paragraph 2.

(63) Ibid, Sec. 94, paragraph 1.

that it is so authorized, the administrative committee may thus exercise any of the non-regulatory powers of the Bureau, both those concerned solely with internal management and those likely to affect the rights of a candidate for the profession[64] or of a member of the corporation.[65]

2. The Statutory Committees

The Professional Code provides for the formation within each of the professional corporations of two committees entrusted with supervising two very different aspects of professional practice: the professional inspection committee and the committee on discipline.

a) The professional inspection committee. This committee is formed by at least three members of the Corporation appointed by the Bureau, which designates one of the three as chairman;[66] once set up, the committee or each member individually may, with the authorization of the Bureau, retain the services of consultants.[67] The role of the committee consists in ensuring a satis-

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(64) For instance, see ibid, Sec. 84(g) and (h).

(65) For instance, see ibid, Sec. 54, and supra, note 57.

(66) Ibid, Sec. 107.

(67) Ibid, Sec. 110, paragraph 2.

factory level of professional competence amongst the members of the corporation by, in particular, an examination of the quality of the professional services rendered; for this purpose, it may inspect the records, books and registers of each member of the corporation.[68] The committee, or one of its members, may undertake such an inquiry on its own initiative or at the request of the Bureau; in both cases, following such inquiry, a report including recommendations is presented to the Bureau,[69] which may, under the regulations it has adopted on the subject, require a professional to enroll for a further training period and restrict his right to practice during this period.[70]

Moreover, when the quality of services offered by a professional seems to be compromised because of his physical or mental health, the Bureau of the corporation to which he belongs may order him to undergo a medical examination.[71] If he does not

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(68) Ibid, Sec. 110, paragraph 1.

(69) Ibid, Sec. 110, paragraphs 2 and 3.

(70) Ibid, Sec. 111; control of the professional competence of advocates requires a different procedure: the professional inspection committee, at the end of its inquiry, reports to the administrative committee, which may decide by resolution to entrust the study of the grievance to a "Professional Evaluation Committee". If this Committee considers that the grievance is founded, it may impose on the advocate involved a further training period and restrict his right to practice for its duration, see An Act to amend the Bar Act, supra, note 16, Sec. 36, Division VII B.

(71) Ibid, Sec. 53.

comply with this order or if, according to the report of the three physicians[72] who have done the examination and have found his state of health is incompatible with the practice of his profession, the Bureau may order the secretary to strike him off the roll or refuse to admit him if he is not already a member.[73] Any decision of the Bureau to this effect may be appealed before the Professions Tribunal.[74]

b) The committee on discipline. As we have seen,[75] this committee is chaired by a lawyer designated by the Lieutenant-Governor in Council. The other members, of whom there must be at least two, are appointed by the Bureau from the members of the corporation.[76]

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(72) Designated, according to the second paragraph of Section 51 of the Professional Code, ibid, as follows: one of them, "by the Bureau, another by the professional concerned and the third, by the first two."

(73) Ibid, Sec. 51; for advocates, this power is exercised somewhat differently, by the Professional Evaluation Committee, see supra, note 70.

(74) Ibid, Sections 51, paragraph 3, and 158.

(75) See supra, note 17 and the corresponding text. It should be stressed that the second paragraph of Section 133 provides that "If the number of members of the committee so permits the committee may sit in divisions consisting of three members, one of whom shall be the chairman or a person chosen by him from a list of advocates prepared by the Lieutenant-Governor in Council, after consultation with the Bar."

(76) Professional Code, supra, note 2, Sec. 115, paragraph 1.

The committee on discipline of a corporation has the competence to deal with any complaint lodged against a member of this corporation with regard to a violation of the provisions of the Professional Code, of the act incorporating the corporation of which he is a member, or of any regulation made under one of these acts.[77] A complaint may be lodged by the syndic of a corporation, or one of his assistants, at the request of the Bureau or on his own initiative, or by any other person;[78] it must be made in writing, supported by an oath or solemn affirmation, and must describe the nature and circumstances of the offence with which the professional is charged.[79] When the offence is of such a kind as to risk compromising the public interest if repeated, the plaintiff may immediately request that the respondent be provisionally struck off the roll;[80] at the start of the hearing, the committee decides on this issue, and if necessary, complies with it by issuing an order for provisional removal from the roll.[81]

The hearing of the complaint "shall be held in camera, unless the committee, at the request of the respondent, considers that it is in the public interest that it not be held in this

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(77) Ibid, Sec. 114, paragraph 2.

(78) Ibid, Sec. 125.

(79) Ibid, Sections 124 and 126.

(80) Ibid, Sec. 127.

(81) Ibid, Sec. 138.

manner."[82] The hearing takes place in accordance with the provisions of the Professional Code, by a judicial process that has the advantage of being relatively flexible.[83] Thus it is provided that the committee, in addition to being able to summon witnesses and require the production of documents,[84] is authorized to "have recourse to all legal means"[85] to enable it to ascertain the merits of a complaint. The professional against whom the complaint is lodged is entitled to present a "full and complete defence",[86] and if he so wishes, he may have the assistance of an advocate.[87] Although he may be obliged to testify before the committee,[88] his statements like those of any other witness, benefit from legislative protection and cannot be used against him in any court of justice.[89]

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(82) Ibid, Sec. 137.

(83) Ibid, Sections 132-145.

(84) Ibid, Sec. 142.

(85) Ibid, Sec. 139. It shoud also be stressed that Section 186 provides that:

> A syndic, an assistant syndic, a corresponding syndic, a professional inspection committee, a committee on discipline, a tribunal sitting in appeal on a decision by a committee on discipline, or any committee of inquiry established by a Bureau may, while sitting in camera, take cognizance of the record kept by a professional and require the delivery of any document relative to the inquiry which they are holding.

(86) Ibid, Sec. 140.

(87) Ibid, Sec. 130.

(88) Ibid, Sec. 143.

(89) Ibid, Sec. 145, paragraph 1.

At the end of its inquiry, the committee pronounces judgment on the accusation against the respondent, giving reasons, and if it considers the complaint justified, it imposes, within thirty days of this judgment,[90] one or more of the penalties provided for in Section 153 of the Professional Code: a fine,[91] reprimand, obligation to reimburse the amounts of money misappropriated, provisional or permanent removal from the roll and cancellation of permit or specialist's certificate. The same penalties are also applicable to any professional found guilty by a Canadian court of "an indictable offence which is triable only by way of indictment."[92] On presentation of the verdict of guilty, the committee on discipline of the corporation to which this professional belongs may impose one or more of these penalties.[93]

Any decision of a committee on discipline is subject to appeal before the Professions Tribunal, which consists of three judges of the Provincial Court appointed by the chief judge of

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(90) Ibid, Sec. 146.

(91) The fine is at least two hundred dollars for each offence; however, in the words of the second paragraph of Section 153, "when an offence is continuous, its continuity shall constitute a separate offence, day by day," which means that in certain cases this minimum amount is likely to be multiplied several times.

(92) Ibid, Sec. 152, paragraph 1. Under the third paragraph of the same section, the same penalties may be imposed on any professional found guilty by a foreign court "of an act which, if committed in Canada, would have been triable only by way of indictment."

(93) Ibid, Sec. 152, paragraph 2.

this court, who also designates one of the three as chairman.[94] This is a special tribunal whose jurisdiction, powers and rules of procedure are provided for exclusively by the Professional Code.[95]

Unless otherwise decided by the Professions Tribunal, "an appeal shall suspend the execution of the decision of the committee on discipline (...); however, an order for provisional striking off the roll of a person shall be executory, notwithstanding appeal, unless the tribunal orders otherwise."[96] An appeal is general, in other words it may deal with questions of law, of fact or both. With regard to decisions of the committees on discipline, the Tribunal enjoys powers as broad as may be conferred on an appeal court: after taking cognizance, if it so desires, of any additional evidence,[97] it "may confirm, alter or quash any decision submitted to it and render the decision which it considers should have been rendered in first instance."[98] Its decision is final and cannot be appealed.[99]

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(94) Ibid, Sections 158 and 159.

(95) Ibid, Sections 158-172.

(96) Ibid, Sec. 162.

(97) Ibid, Sections 164-165.

(98) Ibid, Sec. 170, paragraph 1.

(99) Ibid, Sec. 170, paragraph 2.

All the decisions of the Professions Tribunal, as well as those of each of the committees on discipline, must be forwarded to l'Office des professions du Québec. L'Office must publish in the Québec Official Gazette those which include permanent striking off the roll or cancellation of a permit of a professional;[100] it is also responsible for publishing an annual compilation of the decisions handed down on questions of professional discipline.[101] This duty of l'Office des professions du Québec will certainly eliminate much of the secrecy from the whole disciplinary system of the professional corporations.

The jurisdiction of the professional disciplinary bodies — committees on discipline and Professions Tribunal — is not restricted solely to the members of the professional corporations: Section 131 of the Professional Code provides in fact that: "A professional who becomes disqualified from practising or voluntarily ceases to practise his profession shall remain subject to the disciplinary jurisdiction of the corporation to which he belonged for acts done while he was a member of the corporation." This provision does not, however, concern persons who practice a profession or use a reserved title illegally; such persons do not come under the disciplinary jurisdiction of

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(100) Ibid, Sec. 176.

(101) Ibid, Sec. 12(v). These compilations do not mention the "names ... of the parties and any other person involved except that of the interested corporation."

the professional corporations and must be prosecuted before a court of general law,[102] in accordance with the provisions of the Summary Convictions Act.[103] Proceedings for illegal practice or unauthorized use of a title are instituted by the Bureau of the professional corporation involved or the attorney general, and resulting fines are paid in the first case to the professional corporation and in the second to the consolidated revenue fund.[104]

3. The General Meeting

Every professional corporation must hold a general meeting of its members within the three months following the end of its fiscal year, that is between April 1 and June 30.[105] During

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(102) Ibid, Sec. 182.

(103) R.S.Q. 1964, Chap. 35.

(104) Professional Code, supra, note 2, Sections 183 and 184. It should be stressed that if a person is frequently guilty of unlawful practice or unauthorized use of a title, Section 185 of the Professional Code, ibid, provides that "the Attorney-General, after penal proceedings have been instituted, may require of the Superior Court an interlocutory writ of injunction enjoining that person or his officers, agents or employees to cease the commission of the offences charged until final judgment is pronounced in penal proceedings. After pronouncing such judgment, the Superior Court shall itself render final judgment on the application for an injunction."

(105) Ibid, Sections 101 and 106. For the first year, Section 101 has not been promulgated.

this annual meeting, "the members of the corporation shall elect the auditors responsible for auditing its books and accounts and the president of the corporation shall submit a report of the activities of the Bureau[106] and the financial statement of the corporation."[107] It is also the responsibility of the general meeting, whether it is an annual meeting or a special meeting,[108] to determine whether the president of the corporation will be elected by a general vote of the corporation members in good standing[109] or only by the elected directors, who will designate him from their number.[110]

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(106) This annual report of the Bureau must conform to the "standards for the preparation and content" determined by the Lieutenant-Governor in Council, see ibid, Sec. 177(c). Moreover, under the second paragraph of Section 102 of the Professional Code, ibid, "Such report shall then be sent to the Board and to the Minister who shall lay it before the National Assembly within thirty days after it is received if the National Assembly is in session or, if it is not, within ten days after the opening of the next session."

(107) Ibid, Sec. 102, paragraph 1.

(108) Special general meetings may be held, according to Section 104 of the Professional Code, ibid, "at the request of the president of the corporation, at the request of the Bureau or at the written request of the number of members required to constitute a quorum at such meeting." It should be recalled that the quorum for a general meeting of a professional corporation is set by regulation of the Bureau, see ibid, Sections 91 and 103.

(109) The members in good standing of a corporation are those who are entered on its roll, see ibid, Sec. 1(h).

(110) Ibid, Sec. 63; see supra, note 40.

The whole membership of a professional corporation, without necessarily being convened for a general meeting, is granted by the Professional Code a certain a priori control over the administration of the corporation. Thus, the resolutions of the Bureau to increase the annual fees of the members for a reason other than payment of expenses arising from the indemnity fund, the procedure for recognition of the equivalence of diplomas or the formation and operation of the professional inspection committees and committees on discipline, must be approved "by a majority of the members of the corporation deciding thereon."[111] Moreover, any regulation which the Bureau intends to adopt respecting the code of ethics, the procedure for arbitration of accounts or the indemnity fund, must be sent to every member, at least thirty days before it is adopted by the Bureau.[112]

The Professional Code gives legislative sanction to the existence of the Québec Interprofessional Council,[113] set up a few years ago under Part III of the Companies Act.[114] This council consists "of the president or a representative of each corporation"[115] and represents all professional corporations.

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(111) Ibid, Sec. 84, paragraph 2; see supra, note 49.

(112) Ibid, Sec. 93, paragraph 3; see supra, note 53.

(113) Ibid, Sec. 17.

(114) R.S.Q. 1964, Chap. 271.

53 (115) Professional Code, supra, note 2, Sec. 20, paragraph 1.

In addition to its function as consultant to l'Office des professions du Québec and the Lieutenant-Governor in Council before they carry out certain of their powers,[116] within the professional milieu it has the following duties of coordination:[117]

— to study the general problems of the professional corporations and then communicate its conclusions and recommendations to the corporations concerned;

— to invite professional groups whose members engage in related activities, whether they are recognized as professional corporations or not, to meet for the purpose of finding solutions to their problems;

— to hear any professional group which desires to be recognized as a professional corporation and submit to the Lieutenant-Governor in Council and l'Office des professions du Québec the recommendations deemed appropriate with regard to such recognition.

The council's role and its representative character make it an essential tool in the implementation of the reform introduced by the Professional Code and the professional laws.

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(116) See ibid, Sections 27 (incorporation by letters patent of professional corporations with reserve of title), 64 (regulation to ensure regional representation on the Bureau), 77 (appointment of outside members) and 177 (regulation of the form and content of the roll and the annual report of the corporation and on methods of administering the indemnity fund).

(117) Ibid, Sec. 19(a), (b) and (c).

B. L'OFFICE DES PROFESSIONS DU QUEBEC

L'Office des professions du Québec created by the new professional legislation is entirely novel in its conception, and stands at the very heart of the reform of the professions. Implementation of the new principles of professional management and organization set forth in the Professional Code and the attendant acts hinges essentially on this body.

L'Office consists of five members, appointed by the Lieutenant-Governor in Council; they must reside in Québec and be members of a professional corporation.[118] Three of them, "including the chairman or the vice-chairman, shall be chosen from a list of at least five names furnished by the Interprofessional Council."[119] Only the chairman and the vice-chairman are obliged to devote their time exclusively to the affairs of l'Office.[120] The secretary and the other employees of l'Office are appointed, on its recommendation, by the Lieutenant-Governor in Council;[121]

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(118) Ibid, Sections 4 and 6, paragraph 1.

(119) Ibid, Sec. 4, paragraph 1. At the present time, the five members of l'Office are, respectively, an advocate (the chairman of l'Office), an engineer, a physician, a veterinary surgeon (vice-chairman of l'Office) and a physiotherapist.

(120) Ibid, Sec. 7. These employees are governed by a regulation of l'Office des professions du Québec, see infra, note 155.

(121) Ibid, Sec. 5.

although they are not civil servants, they cannot be dismissed except in accordance with the procedure provided for in Section 61 of the Civil Service Act.[122]

L'Office is a supervisory and controlling body, whose principal function is to see that each professional corporation properly performs its task of protecting the public.[123] For this purpose, it carries out administrative and regulatory duties; however, since it is not endowed with any decision-making power with respect to individual cases, issue of permits, hearing of appeals and other questions, it does not constitute an administrative tribunal.

1. Administrative Functions

In addition to the powers and duties mentioned above, some of them extremely important — appointment of external directors representing the public, publication of an annual compilation of decisions regarding discipline — l'Office des professions du

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(122) S.Q. 1965, Chap. 14, amended by the Civil Service Department Act, S.Q. 1969, Chap. 14, Sec. 38. Moreover, under Section 265(h) of the Professional Code, ibid, the secretary and employees of l'Office benefit from the Civil Service Superannuation Plan, R.S.Q. 1964, Chap. 14 and its amendments.

(123) Ibid, Sec. 12, paragraph 1.

Québec has been entrusted by the Professional Code and the various related laws with widely varying administrative responsibilities concerned with (a) organization of new professions, (b) supervision of professional corporations and (c) presentation of suggestions to bodies participating in the application of the professional legislation.

(a) Organization of new professions. Nine new professions have been recognized by the Professional Code and the related laws, five with reserve of title and four with exclusive right to practice.[124] The organization of a new professional corporation with a reserve of title does not always require direct intervention by l'Office, since, in most cases, this corporation is the extension of a "corporation" incorporated by letters patent under Part III of the Companies Act[125] and dissolved by the Professional Code.[126] Also, rather than setting up for each new professional corporation a cumbersome mechanism for the selection of the members and the formation of the Bureau, the Professional Code provides for transitional measures intended to ensure continuity between the "corporation" which has been dissol-

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(124) See supra, note 7.

(125) Supra, note 114.

(126) Supra, note 2, Sections 249, 252, 255 and 258.

ved and the professional corporation which succeeds it.[127] In cases where such measures cannot be used, however, l'Office is entrusted with a specific role in the establishment of new professions with reserve of title. Thus, it must appoint the six directors of the provisional Bureau of the Professional Corporation of Dental Hygienists,[128] since this corporation does not succeed any "corporation" as such; also, it must appoint the twenty-one directors of the provisional Bureau of the Professional Corporation of Nursing Assistants,[129] which combines the memberships of two distinct "corporations".

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(127) Ibid, Sections 249, 250, 252, 253, 255, 256, 258, 259. These transitional measures provide generally:

— that the president and members of the board of directors of the "corporation" which has been dissolved continue to play these roles within the provisional Bureau of the professional corporation, and

— that the members in good standing of the "corporation" which has been dissolved are automatically entered on the roll of the professional corporation.

(128) Ibid, Sec. 238. Two other directors are appointed by l'Office as representatives of the public under Section 77 of the Professional Code.

(129) Ibid, Sec. 256; these directors, designated on December 13, 1973, were members of the two corporations which were dissolved. Under the second paragraph of the same section, four other directors are also appointed by l'Office as representatives of the public.

The organization of the four new professions with exclusive right to practice, however, raises the problem of determining which persons should enjoy the exclusive right to practice the professional activity described in the acts incorporating each of these corporations, in other words, deciding who has sufficient professional competence to become a member of the new corporations. To carry out this delicate task, the lawmakers decided to resort to a procedure which leaves little room for arbitrary decisions: a professional examination.

The preparation of the entrance examinations for each of these professions has been entrusted to l'Office des professions which, for this purpose, must call on the assistance of experts, including practitioners of the profession involved. The requirements of these examinations — the proportion of theoretical tests and practical tests, for instance — may differ for various categories of candidates, according to the length of time they have practised their profession.[130]

Once prepared, these examinations are administered and verified, for each profession concerned, by a committee of examiners, consisting of a chairman, three practitioners of the profession involved, chosen from the group of experts who have

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(130) See the Denturologists Act, S.Q. 1973, Chap. 50, Sec. 18; Hearing-aid Acousticians Act, S.Q. 1973, Chap. 54, Sec. 19; Podiatry Act, supra, note 12, Sec. 21; Chiropractic Act, S.Q. 1973, Chap. 56, Sec. 17.

participated in the preparation of the examinations (all the preceding four are designated by l'Office), two representatives of the Department of Social Affaires and one from the Department of Education.[131] Only those who pass the admission examination to the satisfaction of the committee may request a licence to practice.

These permits are awarded, within each professional corporation, by a provisional Bureau consisting of nine directors appointed by l'Office, generally speaking, these nine directors would include persons who have previously acted within the group of experts and the committee of examiners. These directors "shall be so appointed for three years and shall remain in office until elected or replaced in accordance with the Professional Code."[132]

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(131) See the Denturologists Act, ibid; Hearing-aid Acousticians Act, ibid; Podiatry Act, ibid; Chiropractic Act, ibid. On the committee of examiners of the professional corporation of denturologists, one of the two representatives of the Department of Social Affairs and the one from the Department of Education are replaced by a representative of the professional corporation of dentists and one from the faculties of dentistry of Québec; moreover, the three representatives of the profession concerned are designated by the Association of Dental Technicians of the Province of Québec and not by l'Office.

(132) See the Denturologists Act, ibid, Sec. 17; Hearing-aid Acousticians Act, ibid, Sec. 18; Podiatry Act, ibid, Sec. 20; Chiropractic Act, ibid, Sec. 16. Seven of these nine directors are practitioners of the profession involved; the other two are appointed by l'Office as representatives of the public.

Once these two stages are accomplished — selection of members and formation of the provisional Bureau — l'Office has fulfilled its specific role in the organization of these professions and, thereafter, confines itself to its general supervisory role.

(b) Supervision of the professional corporations. L'Office must see to it that each professional corporation establishes the regulations which are required under the Professional Code.[133] The corporations which neglect to make such regulations, as well as any which more generally, "do not meet the obligations imposed upon them" by the law,[134] may be reported by l'Office to the Lieutenant-Governor in Council.

L'Office keeps an eye on the financial administration of the professional corporations. Thus it may make inquiries and present a report to the Lieutenant-Governor in Council on "any corporation which shows a deficit or of which the income appears insufficient to meet its obligations."[135] Pursuant to such a report, the Government may decide to place the corporation concerned under the trusteeship of l'Office, "to the extent and on the terms and conditions" it sets.[136]

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(133) Professional Code, supra, note 2, Sec. 12(a), (c), (e), (g), (i), (k), (m) and (o).

(134) Ibid, Sec. 12(t).

(135) Ibid, Sec. 12(s) and (t).

(136) Ibid, Sec. 14.

"L Office may require any professional corporation to furnish any document or information needed"[137] in order to exercise these general supervisory functions in a satisfactory manner.

(c) Presentation of suggestions. L'Office is authorized by the Professional Code to present, on its own initiative, recommendations to the professional corporations or the Lieutenant-Governor in Council, accordingly; such recommendations may refer to

— incorporation of new corporations, or the amalgamation or dissolution of existing corporations;
— amendment of the statutes governing the professional corporations;
— introduction of measures designed to ensure that professionals receive the best possible training;
— efforts to induce the corporations to work together to find solutions to common problems they encounter by reason, in particular, of the similarity of the activities engaged in by their members.[138]

More specifically, l'Office must also suggest for approval to the Lieutenant-Governor in Council, after consultation with the corporation and bodies concerned, a schedule of professional

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(137) Ibid, Sec. 15.

(138) Ibid, Sec. 12, paragraph 2.

fees for the services rendered by the members of the corporation, when the cost of these services is not fixed by collective agreement or determined by law.[139]

Within the framework of the consultation procedures respecting the exercise of certain prerogatives of the Lieutenant-Governor in Council, l'Office is empowered to make suggestions, namely with regard to:

— incorporation by letters patent of professions with reserve of title;[140]

— regional representation on the Bureau of each of the professional corporations;[141]

— general regulation of the keeping of the roll and presentation of the annual report of the professional corporations;[142]

— methods of administering the indemnity fund of the professional corporations;[143]

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(139) Ibid, Sec. 12 (u); these regulations are subject to an additional requirement: they must be published in the Québec Official Gazette, thirty days before they are approved by the Lieutenant-Governor in Council, ibid, Sec. 13, paragraph 3. It should be stressed that under Section 49 of An Act to amend the Notarial Act, supra, note 40, the Bureau of the Corporation of Notaries also has the power to suggest to the Lieutenant-Governor in Council fee schedules for the services rendered by its members.

(140) Ibid, Sec. 27.

(141) Ibid, Sec. 64.

(142) Ibid, Sec. 177(a) and (c).

(143) Ibid, Sec. 177(b).

— recognition of Québec diplomas;[144]

— terms and conditions of collaboration between the professional corporations and Québec educational establishments for the training of future professionals.[145]

L'Office must also be consulted by the Bureau of a corporation before it determines which services reserved for its members "under certain prescribed conditions, may be done by classes of persons other than" its members.[146]

2. Regulatory Functions

The regulatory powers entrusted to the professional corporations must be exercised within a time limit which may be set by l'Office des professions. If a corporation neglects to exercice these powers within the stipulated delay, l'Office, as we have seen,[147] is empowered to make the regulations in its

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(144) Ibid, Sec. 178(a).

(145) Ibid, Sec. 178(b).

(146) Generally, see supra, note 12. See also the Medical Act, ibid, Sec. 19, paragraph 2; Nurses Act, ibid, Sec. 12, paragraph 2; Dental Act, ibid, Sec. 19, paragraph 2; Pharmacy Act, ibid, Sec. 10, paragraph 2; Optometry Act, ibid, Sec. 10, paragraph 2; Podiatry Act, ibid, Sec. 6, paragraph 2; An Act to amend the Professional Chemists Act, ibid, Sec. 6.

(147) See supra, notes 12 and 54 and the corresponding text.

place.[148]

The fact that a professional corporation has in fact carried out its compulsory regulatory functions does not automatically secure it from any intervention by l'Office. If l'Office does not consider that the regulations adopted are satisfactory, it may ask the corporation involved to make the changes judged necessary, and in the event that the corporation does not act, it may make the changes on its own initiative.[149] Thus, with regard to the regulations of the professional corporations which are essential to the protection of the public, l'Office is endowed with a power to intervene ranging from suggestions for change to complete substitution.

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(148) Professional Code, supra, note 2, Sec. 12(b), (d), (f), (h), (j), (l), (n) and (p). It should be recalled that the regulations which must be adopted by certain corporations to delegate part of their field of practice are subject to this power of substitution of l'Office, see the Medical Act, supra, note 12, Sec. 20; Nurses Act, ibid, Sec. 13; Dental Act, ibid, Sec. 20; Pharmacy Act, ibid, Sec. 11; Optometry Act, ibid, Sec. 11; Podiatry Act, ibid, Sec. 6, paragraph 3; An Act to amend the Professional Chemists Act, ibid. This also holds true for the regulations which must be adopted by optometrists and podiatrists to "establish standards under which pathological cases may be identified;" see the Optometry Act, ibid, Sections 10(b) and 11 and the Podiatry Act, ibid, Sec. 6, paragraphs 1(a) and 3.

(149) Professional Code, supra, note 2, Sec. 12(q) and (r).

L'Office also exercises its own regulatory powers. It sets the standards for issuing and holding a permit which enables a professional — other than a physician, a veterinay surgeon or a dentist, who are not required to have such a permit[150] — to practice radiology on living creatures;[151] for this purpose, it "must obtain the assistance of experts including in particular representatives of the interested professions."[152] Moreover, l'Office periodically draws up, after consultation with various bodies, a list of the medications which may be prescribed or used by podiatrists[153] and a list of those which only a veterinary surgeon may prescribe.[154] L'Office is of course empowered to "make regulations respecting the carrying out of its affairs."[155] All the regulations established by l'Office are approved by the Lieutenant-Governor in Council and do not come into force until they are published in the Québec Official Gazette or at a later

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(150) Ibid, Sec. 179.

(151) Ibid, Sec. 180, paragraph 1.

(152) Ibid.

(153) Podiatry Act, supra, note 12, Sec. 12.

(154) An Act to amend the Veterinay Surgeons Act, S.Q. 1973, Chap. 57, Sec. 8.

(155) Professional Code, Sec. 12(w). Thus l'Office adopted the Regulation fixing certain conditions of employment of the employees of l'Office des professions du Québec, Québec Official Gazette, Part 2, 105th year, 1973, No. 38, pp. 6826-6828.

date as specified.[156]

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Every year, before July 1, l'Office must present to the Minister entrusted with the application of the Professional Code "a report ... of its activities for its preceding fiscal year";[157] this report is then tabled in the National Assembly.[158]

The Minister responsible is any minister "designated for such purpose by the Lieutenant-Governor in Council;"[159] at the present time, the minister in question is attached to the Executive Council. As well as seeing to the application of the professional legislation in general, he has the following administrative duties:

— to grant, under the regulations of the Lieutenant-Governor in Council, annual subsidies to the professional corporations which require them to fulfil the obligations imposed

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(156) Ibid, Sections 13 and 180, paragraph 2; see also the Medical Act, supra, note 12, Sec. 20, paragraph 2; Nurses Act, ibid, Sec. 13, paragraph 2; Dental Act, ibid, Sec. 20, paragraph 2; Pharmacy Act, ibid, Sec. 11, paragraph 2; Optometry Act, ibid, Sec. 11, paragraph 2; Podiatry Act, ibid, Sections 6, paragraph 4, and 12; An Act to amend the Professional Chemists Act, ibid; An Act to amend the Veterinary Surgeons Act, supra, note 154, Sec. 8.

(157) Ibid, Sec. 16, paragraph 1.

(158) Ibid, Sec. 16, paragraph 2.

(159) Ibid, Sec. 1(i) and 191.

on them by the Professional Code;[160]

— to recommend to the Lieutenant-Governor in Council the approval of regulations of l'Office setting standards for the issuing and holding of permits authorizing the practice of radiology;[161]

— to receive the respective annual reports from the Bureaus of each professional corporation, the Interprofessional Council and l'Office, and table them in the National Assembly;[162]

— to publish in the Québec Official Gazette the drafts of letters patent to incorporate a professional corporation with reserve of title and draft regulations setting standards for a working knowledge of the French language, with a notice that at the end of sixty days from such publication, these drafts will be submitted to the Lieutenant-Governor in Council for approval.[163]

Since there is no department or central administrative service responsible for the professional sector, l'Office is de facto called upon to play the role of special consultant to

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(160) Ibid, Sec. 267, paragraph 1.

(161) Ibid, Sec. 180, paragraph 2.

(162) Ibid, Sections 16, 22 and 102, paragraph 2.

(163) Ibid, Sections 27, paragraph 2 and 46, paragraph 2.

the Government on this subject; also the minister responsible will act as the intermediary of l'Office in advising the Government regarding the exercise of the powers conferred upon it by the whole body of professional law.

C. THE LIEUTENANT-GOVERNOR IN COUNCIL

As trustee, the Lieutenant-Governor in Council exercises extensive control over the professional corporations and l'Office des professions du Québec, since he must approve each of the regulations these organizations are called upon to adopt.[164] The Professional Code also grants him various administrative and regulatory powers enabling him to participate directly in the organization and supervision of the professions themselves. Thus, in addition to those already mentioned — incorporation by letters patent of professions with reserve of title, appointment of the chairmen of the discipline committees, recognition of Québec diplomas, regional representation on the Bureaus, setting of standards for a working knowledge of the French language, mechanisms for collaboration between educational establishments and the professional corporations — the Lieutenant-Governor in Council has the power:

— to order the auditing of the books and accounts of a professional corporation;[165]

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(164) See supra, notes 58 and 156 and the corresponding text.

(165) Professional Code, supra, note 2, Sec. 105.

— to determine the terms and conditions by which the minister may grant an annual subsidy to a professional corporation to enable it to fulfil the obligations imposed by the Professional Code;[166]

— to determine standards concerned with the preparation, content, updating and publication of the roll of corporation members;[167]

— to fix the terms and conditions for establishing, financing and administering an indemnity fund within a corporation;[168]

— to prescribe standards for the preparation and content of the annual reports of corporations.[169]

It follows also that the Lieutenant-Governor in Council is entrusted with certain administrative and regulatory responsibilities by the special acts incorporating the professional corpora-

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(166) Ibid, Sec. 267.

(167) Ibid, Sec. 177(a).

(168) Ibid, Sec. 177(b).

(169) Ibid, Sec. 177(c).

tions with exclusive right of practice.[170]

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(170) Section 37 of the Pharmacy Act, supra, note 12, provides that the Lieutenant-Governor in Council may by regulation:

> determine the circumstances in which, by reason of population of low density or the absence of a pharmacist in a given place, a physician may obtain a permit, valid for a period of not more than five years and renewable, and practice pharmacy;
>
> determine the circumstances of time and place in which an establishment to which a pharmacist or physician is attached may sell or supply medications to persons not admitted or registered there.

See also Section 38 (5) of this act (to approve the report of the Minister of Social Affairs on the dangerous nature of a drug or specialty); Section 13(e) of the Land Surveyors Act, supra, note 25 (to recognize official standards of measure for the purposes of comparison with those of land surveyors); Section 19 of An Act to amend the Veterinay Surgeons Act, supra, note 154 (to designate the schools of veterinary medicine whose final examination will be considered the examination for admission to the profession).

Conclusion

The common objective of the whole body of changes made by the new professional legislation in the law governing the professions and their organization is to protect the public with respect to the distribution of professional services in Québec. The protection of the public in the professional field means essentially two things. First, professional services of a high quality must be guaranteed by setting satisfactory qualifying standards for candidates for the professions and by controlling the integrity and competence of professionals through specific mechanisms. Second, the professional services required by the public must be available and efficiently distributed by making the recognition of new professions possible when such a measure seems essential to the protection of the public and by seeing to it that the professional corporations which have the power to do so use the available legislative provisions to enable them to delegate to other persons, — associations, groups or professional corporations — the right to render some of the services usually reserved for their members.

The powers of the corporations, l'Office des professions du Québec and the Lieutenant-Governor in Council to intervene in the professional sector are divided in such a manner as to ensure these two aspects of the protection of the public.

Since the distribution of professional services is likely to undergo a change over the years, it cannot be assumed that the mechanisms for protecting the public set forth in the Professional Code will always be satisfactory; it is to be expected that legislation governing the professions in Québec will change and adapt with the times. However, through the supervisory body of the professional sector, l'Office des professions, the government now has the opportunity of being properly informed of the changes needed in such legislation; l'Office des professions du Québec will thus become a catalyst which, it is hoped, will assist in the continuous adaptation of professional law to meet the future requirements of public protection.

SCHEDULE I

THE PROFESSIONAL CORPORATIONS OF QUEBEC

I. Professional corporations with exclusive right to practice.

1. The Professional Corporation of Advocates of Québec
2. The Professional Corporation of Notaries of Québec
3. The Professional Corporation of Physicians of Québec
4. The Professional Corporation of Dentists of Québec
5. The Professional Corporation of Pharmacists of Québec
6. The Professional Corporation of Optometrists of Québec
7. The Professional Corporation of Veterinary Surgeons of Québec
8. The Professional Corporation of Agronomists of Québec
9. The Professional Corporation of Architects of Québec
10. The Professional Corporation of Engineers of Québec
11. The Professional Corporation of Land Surveyors of Québec
12. The Professional Corporation of Forestry Engineers of Québec
13. The Professional Corporation of Chemists of Québec
14. The Professional Corporation of Chartered Accountants of Québec
15. The Professional Corporation of Radiology Technicians of Québec
16. The Professional Corporation of Denturologists of Québec
17. The Professional Corporation of Dispensing Opticians of Québec
18. The Professional Corporation of Chiropractors of Québec
19. The Professional Corporation of Hearing-Aid Acousticians of Québec

20. The Professional Corporation of Podiatrists of Québec

21. The Professional Corporation of Nurses of Québec.

II. Professional corporations with reserve of title.

1. The Professional Corporation of Psychologists of Québec
2. The Professional Corporation of Industrial Relations Counsellors of Québec
3. The Professional Corporation of Vocational Guidance Counsellors of Québec
4. The Professional Corporation of Town Planners of Québec
5. The Professional Corporation of Chartered Administrators of Québec
6. The Professional Corporation of Chartered Appraisers of Québec
7. The Professional Corporation of Dental Hygienists of Québec
8. The Professional Corporation of Dental Technicians of Québec
9. The Professional Corporation of Speech Therapists and Orthophonists of Québec
10. The Professional Corporation of Physiotherapists of Québec
11. The Professional Corporation of Occupational Therapists of Québec
12. The Professional Corporation of Nursing Assistants of Québec
13. The Professional Corporation of Medical Technologists of Québec

14. The Professional Corporation of Industrial Administration Accountants of Québec

15. The Professional Corporation of Licensed General Accountants of Québec

16. The Professional Corporation of Dieticians of Québec

17. The Professional Corporation of Social Workers of Québec.